

Serial No.: 10/614,376
Amendment Dated: November 23, 2004
Reply to Office Action of September 9, 2004
Express Mail Label No. EV 514700562 US

REMARKS

The above-captioned patent application has been carefully reviewed in light of the non-final Office Action to which this Amendment is responsive. Claims 1, 3, 5, 7 and 8 have been amended in an effort to further clarify and to particularly point out that which the Applicant regards as the present invention. Claim 2 has been canceled. To that end, no new matter has been added.

Claims 1-8 are currently pending. Each of the pending claims have been rejected based on certain prior art, most notably GB 757,030 to Attenborough, as well as U.S. Patent No. 6,123,479 to Dumke. Claims 5 and 6 have also been rejected based on 35 USC §112, second paragraph. Reconsideration is respectfully requested based on the amended claims as well as the following discussion.

Turning more specifically first to the prior art rejections, Claims 1-2 and 7-8 have been rejected under 35 USC §102(b) as being anticipated by Attenborough, GB 757,030. Applicant respectfully requests reconsideration.

In order to anticipate under the Statute, each and every claimed limitation must be found in the single cited reference. Those limitations that are not found must be notoriously well known in the prior art (field) of the invention.

Attenborough '030 describes an apparatus for attaching flat objects, such as fabric or paper products, in a releasable manner. Three separate designs are shown according to this reference. In a first design, shown in Figs. 1-4, a set of U-shaped rigid members 6 are used to cover a set of rails 5 using indentations 7 on either side thereof. The design does not utilize envelopes in terms of support, but rather a flat strip 8 which is placed between a retaining portion 21 of the lower end of rigid member 6 within the U-shaped interior of the member 6.

It is not believed the above reference is a suitable anticipatory reference. First, the reference is not capable of supporting a plurality of envelopes within its hanger means such that the envelopes would hang down from the housing. There is no teaching or suggestion as such by this reference.

Serial No.: 10/614,376
Amendment Dated: November 23, 2004
Reply to Office Action of September 9, 2004
Express Mail Label No. EV 514700562 US

Second, the reference fails to describe a frame assembly as presently recited that includes a support member for supporting the envelopes and a separate slide member that includes a detent mechanism to indicate whether one of an open and a closed position is achieved. Applicant has now amended Claim 1 to include the subject matter of Claim 2, now canceled, in an effort to further clarify and distinctly point out the present invention.

It is therefore believed Claim 1 therefore can not anticipate under the Statute and that Claims 7 and 8 are also patentably distinct for the same reasons.

Reconsideration is respectfully requested.

Claims 3-6 have been rejected under 35 USC §103(a) as being unpatentable based on Attenborough (GB '030) noted above in view of Dumke (U.S. Patent No. 6,123,479). Applicant respectfully requests reconsideration.

In order to successfully maintain a "*prima facie*" obviousness rejection, each of the claimed limitations must be found in the cited prior art, either singly or in combination. Those features that are not found in the cited art must be notoriously well known in the prior art at the time of the invention as a whole to someone of sufficient skill in the field of the invention.

Claim 1, as amended, has already been discussed with regard to Attenborough '030. As noted, this reference fails to teach or suggest an apparatus that includes a frame assembly and at least one envelope that is supported by the at least one frame assembly as well as a slide member for supporting a series of envelopes and in which the slide member is movable between an open and a closed position. Moreover, the cited reference fails to include a slide member as positively recited according to Claim 1, as amended, including a closure panel that closes over the hanger means, the apparatus further including a latching mechanism for retaining the slide member in either the closed position or the open position wherein the slide member includes a detent member engageable with at least one recess when the member is moved to one of the positions.

Serial No.: 10/614,376
Amendment Dated: November 23, 2004
Reply to Office Action of September 9, 2004
Express Mail Label No. EV 514700562 US

The secondary reference of Dumke also fails to address this claimed feature either explicitly or implicitly and therefore no *prima facie* obviousness rejection can be maintained. Withdrawal of the rejection is respectfully requested.

Claims 3-6, dependent on independent Claim 1, as amended, are also therefore believed to be allowable over the cited art for the same reasons. Reconsideration is therefore respectfully requested.

Claims 5 and 6 have been rejected under 35 USC §112, 2nd paragraph, for indefiniteness. With reference to these claims, Applicant herein notes that it is intended for the envelopes to be specifically recited as part of the combination. Therefore, Claim 1 has been amended to positively recite the envelopes, at least one of which is to be supported by at least one frame assembly.

Applicant has further amended Claim 5 to note that the envelopes clearly have antecedent basis. It is intended that the envelopes are a part of the claimed apparatus described by Applicant and should be regarded as part of the present invention. Applicant apologizes for any previous confusion in this regard.

Applicant has also made minor clarification amendments to Claims 1, 3, 7 and 8 to distinctly point out and to clarify the present invention. No new matter has been added. Withdrawal of this rejection is respectfully requested.

In summary, it is believed that the above-captioned patent application is now in an allowable condition and such allowance is earnestly solicited.

If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.

Serial No.: 10/614,376
Amendment Dated: November 23, 2004
Reply to Office Action of September 9, 2004
Express Mail Label No. EV 514700562 US

The Director is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

By:



Peter J. Bilinski
Reg. No. 35,067

PJB/sca

Telephone: (315) 425-9000

Customer No.: 20874